IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.655 OF 2006

Behram S.Irani .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.J.Khajetia for the petitioner.
Mr.S.R.Shinde A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 27TH JUNE, 2006

P.C.:

. Heard learned counsel for the State.

2. This writ petition is directed against the order of issue of process against the petitioner by the learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai in case No.45/SS/2005 against the petitioner under section 138 of the Negotiable Instruments Act. The petitioner has approached this court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and Others Vs. Pratap V. Padode and Anr. 2005(3) Mh.L.J.778** while dealing with similar petition considered several judgments of the Apex Court and has held that the order of issue of process is not an

interlocutory order and hence the revision against such order is maintainable. In the circumstances, this petition is disposed of with liberty to the petitioner to file revision before the appropriate Court against the order impugned in the instant petition. If such revision is filed same may be considered in accordance with law.

(D.B.Bhosale, J.)